

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
COVET & MANE, LLC,

Plaintiff,

- against -

INVISIBLE BEAD EXTENSIONS, et al.,

Defendants.

-----X
21-CV-7740 (JPC) (RWL)**ORDER****ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves Defendant IBE's renewed motion for a stay of discovery pending resolution of their motion to dismiss the Second Amended Complaint. (Dkt. 220.) The motion comes under my jurisdiction as it is non-dispositive. The motion is denied for lack of good cause, considering the substance of IBE's arguments for dismissal, the parties' relative burdens, and the posture of the case. The Court has considered that IBE's motion to dismiss extends to patent, trademark, and other claims. With respect to the new patent claims in particular, the Court observes that the Revised Covenant Not To Sue, which was not before it on the motion to amend, appears to be ambiguously worded, particularly with respect to the clause "or for which C&M ... engages in or has sufficiently concrete plans to develop new or updated technology." (See Dkt. 190-2.) Accordingly, the Court does find it to be a sufficient basis on which to grant a stay, even in part.

The Clerk of Court is respectfully requested to terminate the motion at Dkt. 220.

SO ORDERED.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/30/2023

Dated: May 30, 2023
New York, New York